

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GARY FRIEDRICH ENTERPRISES, LLC, et al.,

Plaintiffs,

-against-

MARVEL ENTERPRISES, et al.,

Defendants.

08-CV-01533 (BSJ)(JEF)

NOTICE OF MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE that upon the contemporaneously filed Memorandum of Law in Support of Plaintiffs' Motion for Summary Judgment and accompanying Local Rule 56.1 Statement of Material Facts as to which there is no genuine issue for trial and the Declaration of Charles Kramer, dated October 17, 2011, and the exhibits annexed thereto, the Declaration of Gary Friedrich, and all prior proceedings and matters of record in this case, Plaintiffs Gary Friedrich and Gary Friedrich Enterprises, LLC hereby move the Court, before the Honorable Barbara Jones, United States District Judge, United States District Court for the Southern District of Missouri and Courtroom 17C in the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, for an Order pursuant to Rule 56 of the Federal Rules of Civil Procedure for Summary Judgment in their favor on the question of ownership of the renewal term copyrights covering the work known as Marvel Spotlight Vol.1 No. 5 and the Characters therein raised by Plaintiffs Amended Complaint and Defendant Marvel Characters, Inc's Counterclaim, holding that such renewal term copyrights were owned by Plaintiff Friedrich as of January 1, 2001 and were assigned to Plaintiff Gary Friedrich Enterprises LLC on March 26, 2007 and that neither Marvel Characters, Inc. nor any other Defendant herein has had any

ownership interest in or any rights emanating from such renewal term copyrights at any time on or after January 1, 2001, and for such other and further relief as this Court deems just and proper.

Dated: October 17, 2011

Respectfully submitted,

By: /s/ Charles S. Kramer
RIEZMAN BERGER, P.C.
Charles S. Kramer, Esq.
Joseph D. Schneider, Esq.
7700 Bonhomme, 7th Floor
St. Louis, Missouri 63105
T: 314.727.0101
F: 314.727.6458

ROTH EVANS, P.C.
Eric Evans, Esq.
Dawn Kamadulski O'Leary, Esq.
2421 Corporate Centre Drive
Suite 200
Granite City, IL 62040
T: 618.931.5000
F: 618.931.6474

SIMON•LESSER PC
Leonard F. Lesser, Esq.
420 Lexington Avenue
New York, New York 10170
T: 212.599.5455
F: 212.599.5459

Attorneys for Plaintiffs Gary Friedrich
Enterprises, LLC and Gary Friedrich

CERTIFICATE OF SERVICE

I hereby certify that the above pleading was filed electronically with the Clerk of the Court using the CM/ECF system this 17th day of October, 2011, which will send notification to all those entitled to receive such notice.

/s/ Charles S. Kramer